

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

<p>MARIA PETER; MICHAEL PETER; JULIKA BERGER; JAROLIN BERGER,</p> <p>Petitioner,</p> <p>vs.</p> <p>SUSAN DIANE WOJCICKI, CEO ONLINE VIDEO PLATFORM YT; WILLIAM HENRY CATES, PRESIDENT BMGF; STEPHANE BANCEL, CEO MODE-RNA THERAPUEITCS INC.; ALBERT BOURLA, CEO PFIZER INC.,</p> <p>Respondents.</p>	<p>3:21-CV-03023-RAL</p> <p>ORDER DENYING PLAINTIFFS' MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND REQUIRING THE FULL FILING FEE</p>
--	---

Plaintiffs Maria Peter and Michael Peter, citizens of Austria, and Julika Berger and Jarolin Berger, citizens of Germany, filed a lawsuit against defendants under 28 U.S.C. § 1332. Doc. 1. Plaintiffs move for leave to proceed in forma pauperis and have included a financial affidavit.¹ Doc. 5.

A federal court may authorize the commencement of any lawsuit without prepayment of fees when an applicant submits an affidavit stating he or she is unable to pay the costs of the lawsuit. 28 U.S.C. § 1915(a)(1). “[I]n forma pauperis status does not require a litigant to demonstrate absolute destitution.” Lee v. McDonald’s Corp., 231 F.3d 456, 459 (8th Cir. 2000). But in forma pauperis status is a privilege, not a right. Williams v. McKenzie, 834 F.2d 152, 154

¹ The motion for leave to proceed in forma pauperis is signed by Maria Peter and includes her information and that of her spouse. See Doc. 5 at 1-5. The motion appears to have been mailed by Julika Berger. Id. at 7. Although financial information for all plaintiffs is not included, this Court finds that there is sufficient information included as to Maria Peter’s finances to evaluate plaintiffs’ motion.

(8th Cir. 1987). Determining whether an applicant is sufficiently impoverished to qualify to proceed in forma pauperis under § 1915 is committed to the sound discretion of the district court. Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983). After review of Maria Peter's financial affidavit, the Court finds that she does have sufficient funds to pay the filing fee. Thus, Maria Peter's motion for leave to proceed in forma pauperis is denied. Maria Peter's must pay the \$402 filing fee by **February 3, 2022**. Failure to pay the filing fee by February 3, 2022, will result in dismissal without prejudice of Maria Peter's complaint.

Therefore, it is hereby

ORDERED that Maria Peter's motion for leave to proceed in forma pauperis, Doc. 5, is denied. Maria Peter must pay the **\$402 filing fee by February 3, 2022**, made payable to the Clerk, U.S. District Court. If Maria Peter does not pay the filing fee by February 3, 2022, her complaint will be dismissed without prejudice. It is further

ORDERED that, unless the remaining plaintiffs/petitioners file motions to proceed in forma pauperis with the appropriate financial affidavits or alternatively pay the filing fee by February 3, 2022, their claims will be dismissed without prejudice as well.

DATED January 4th, 2022.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE